

Regular Session, 2010

HOUSE BILL NO. 1302

BY REPRESENTATIVE HENRY BURNS

CEMETERIES: Provides for the order by which individuals can direct the manner and disposition of the remains of a military decedent

1 AN ACT

2 To amend and reenact R.S. 8:655(A), relative to the disposition of human remains; to
3 provide with respect to the remains of persons who died during military service; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 8:655(A) is hereby amended and reenacted to read as follows:

7 §655. Right of disposing of remains

8 A. The right to control interment, as defined in R.S. 8:1(26), of the remains
9 of a deceased person, unless other specific directions have been given by the
10 decedent in the form of a written and notarized declaration, vests in and devolves
11 upon the following in the order named:

12 (1) The person designated by the decedent as authorized to direct disposition
13 of his remains pursuant to Public Law No. 109-163, Section 564, as listed on the
14 decedent's United States Department of Defense Record of Emergency Data, DD
15 Form 93, or its successor form, if the decedent died during military service, as
16 provided in 10 U.S.C. 1481, in any branch of the United States Armed Forces,
17 United States Reserve Forces, or National Guard.

18 ~~(1)~~ (2) The surviving spouse, if no petition for divorce has been filed by
19 either spouse prior to the death of the decedent spouse.

(2) (3) A majority of the surviving adult children of the decedent, not including grandchildren or other more remote descendants.

3 ~~(3)~~ (4) The surviving parents of the decedent.

4 ~~(4)~~ (5) A majority of the surviving adult brothers and sisters of the decedent.

5 ~~(5)~~ (6) A majority of the adult persons respectively in the next degrees of
6 kindred as established in Civil Code Article 880 et seq.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry Burns

HB No. 1302

Abstract: Provides that when a decedent dies during military service, the person listed on his DD Form 93 as authorized to direct disposition of his remains shall have priority in controlling the manner of the decedent's interment.

Present law provides that, unless otherwise specified in writing by the decedent, the right to control interment of his remains vests upon his surviving relatives in the following order: surviving spouse, adult children, surviving parents, adult siblings, and a majority of persons in the next degrees of kindred.

Proposed law provides that when a military decedent dies during military service, the person listed on his DD Form 93 as having the authority to direct disposal of his remains shall have the right to control interment prior to those family members listed in present law.

Proposed law retains present law governing the disposition of the remains of non-military decedents.

(Amends R.S. 8:655(A))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure
to the original bill.

1. Provided technical correction to a citation.